



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2408783

Applicant Name: Gregory Wharton, Meng Strazzara Studio Architecture for Shilshole Bay Condos, LLC.

Address of Proposal: 6006 Seaview Avenue NW

SUMMARY OF PROPOSED ACTION

Master use permit to establish use for future construction of a 3-story building containing 1,650 square feet of retail at ground level and 9 residential units above parking for 12 vehicles to be provided within the structure.¹

The following approvals are required:

Shoreline Substantial Development Permit – Chapter 23.60, Seattle Municipal Code (SMC)

SEPA - Environmental Determination - Chapter 25.05, SMC

Design Review, Chapter 23.41, SMC, Development Standard Departures from the Land Use Code are requested as follows:

1. Residential Lot Coverage (SMC 23.47.008)
2. Non-residential façade requirements (SMC 23.47.008B)
3. Non-residential use depth (SMC 23.47.008B)
4. Floor to floor height of mixed use development (SMC 23.47.008C)
5. Side Setback (SMC 23.47.014B2)
6. Site Triangle (SMC 23.54.030G)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ JEIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

¹ Project was originally noticed- Master use permit to establish use for future construction of a 3-story building containing 2,742 square feet of retail at ground level and 9 residential units above parking for 12 vehicles to be provided within the structure.

BACKGROUND DATA

Site & Vicinity Description

The 6,007 square foot subject site is located on an upland lot along the east side of Seaview Avenue NW near Shilshole Marina in the Ballard neighborhood. The site is zoned Commercial 1 with a 40 foot height limit (C1-40) and is within the Urban Stable (US) shoreline environment. The US environment limits the height to 30 feet at this location. The triangular shaped site is developed with a surface parking lot for about 14 vehicles.

Surrounding property to the south, north and west is zoned C1-40 and property to the east is zoned Single Family 5000. The surrounding property in the commercial zone is developed with a mixture of commercial uses with some mixed use development. Many of the businesses are water-related or water-dependent. The property abutting to the east is developed with railroad right of way owned by Burlington Northern and the City of Seattle. Farther east and upslope, property is developed with single family homes.

The site topography is gently sloping with a change of 8 feet; the south corner is approximately elevation 28 and the north portion of the site is approximately elevation 20.

Project Description

The proposed project includes 9 dwelling units, 1,650 square feet of commercial space and 12 parking spaces provided within the structure at grade. The total quantity of residential open space will be 1,814 square feet consisting of private decks for each unit and a 1,081 square foot common roof top deck.

The vehicular access is proposed along Seaview Avenue NW via a 16 foot wide driveway into a screened enclosed at grade garage. Solid waste containers are proposed within the garage. Two pedestrian entries are proposed along Seaview Avenue NW near the middle of the frontage. One entry door will lead directly into the commercial space and another entry will lead to the residential lobby and provide barrier free access into the commercial space. The commercial space is about 2 feet below grade at the entry and farther below grade as the sidewalk grade tapers up.

The finish materials proposed consist of shingle siding (rust/brown color), smooth metal siding (charcoal grey) and corrugated metal (light galvanized) along the frontage with aluminum windows and cable deck rails. The other façade material consists of hardipanel and hardilap siding. The garage ventilation screens proposed on the north and east facades consist of a wave like design with metal fabric welded to tube steel frame.

The applicant contracted with an acoustical engineer to measure sound levels from train operations. The sound levels generated over a 24 hour period (Ldn) would be considered unacceptable for residential development by HUD criteria; therefore noise control measures are required in the building design to reduce the interior sound levels to acceptable levels. The report recommended several measures, mostly related to windows and openings, which are likely to be incorporated into the design.

Public Comment

Public notice was provided for an Early Design Guidance (EDG) Design Review meeting that was held by the Design Review Board on January 24, 2005. Eighteen members of the public attended the meeting. The attendees had the following suggestions, concerns and questions:

- Where is the Burke Gilman Trail going to be in relation to the project? *It was not clear where the new Burke-Gilman trail will be going*
- What is the quantity of parking? *12 parking spaces are proposed at this time.*
- What is the height of the building going to be? In relation to the abutting building? In relation to the homes above? Will the elevator core be higher? *The building is limited to 30 feet. The building abutting is estimated to be 20 feet tall. The core will be higher. The homes are about 80 feet higher than this site based on survey data.*
- Has concerns about loss of view, light and air. *This was acknowledged by proposing to erode the north corner of the building.*
- Is not concerned about how the east side of the building looks? *See Board guidance.*
- Wants a green roof since residences will be looking down onto roof.? *See Board guidance*
- Why can't underground parking be provided so there will be a greater quantity? *Cost and feasibility preclude this option.*
- Provide open space at ground level across the street since you own both sites. *See Board guidance*
- Provide open space at ground level in front of the building to take advantage of the views *See Board guidance*
- What size are the private decks and rooftop deck? *Private decks are 9' by 12' and common rooftop space is about 600 square feet.*
- Roof open space is in a bad location since it will be dark on the north side. *See Board guidance*
- The architectural style looks like Belltown not Ballard; don't like it.
- Sail store building is in a Seattle architecture book
- Don't put rooftop mechanical equipment on the roof.

Further notice and public comment opportunity was provided as required with the Master Use Permit application. One written comment was received during the Master Use Permit comment period that ended on June 29, 2005. Comments related to the design departures, height, parking, property value, construction impacts, drainage and fire and security.

Public notice was provided for a Recommendation Design Review meeting that was held by the Design Review Board on September 26, 2005. Five members of the public attended the recommendation meeting and two made comments. The design related comments made reflected a concern for how the proposal was going to impact the neighboring building to the north, specifically with respect to the garage screening/venting, setbacks along the north side and height of the building. Another person commented that they thought the prow element or the nautical theme was not particularly attractive.

ANALYSIS - DESIGN REVIEW

Early Design Guidance

PRIORITIES:

The Design Review Board members provided the siting and design guidance described below after visiting the site, considering the analysis of the site and context provided by the proponents and hearing public comment. The Design Guidelines of highest priority to this project are identified by letter and number below. The Design Review program and City-wide Guidelines are described in more detail in the City of Seattle's "Design Review: Guidelines for Multifamily and Commercial Buildings".

A. Site Planning

A-1 Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

A-2 Streetscape Compatibility

The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

A-4 Human Activity

New development should be sited and designed to encourage human activity on the street.

A-5 Respect for Adjacent Sites

Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

A-7 Residential Open Space

Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

The east façade of the building and the south corner of the building will be very visible considering the abutting parcel to the east is a railroad right of way and will not be developed. The Board wants to see the commercial glazing wrap around to the east façade since it will be very visible from the east. They asked the developer to contact the railroad or City of Seattle to obtain an easement so the building could have windows on the east façade. A portion of the railroad right of way should be landscaped as well, and the Board asked the developer to fully explore the easement and landscaping

options. If an easement can't be obtained then the building should be setback from the property line to allow for some glazing.

The south corner is very visible when traveling towards Shilshole on Seaview Avenue NW. The Board wants the design to respond to this by providing a powerful prow to fill the corner and create visual prominence. The perception of height needs to be increased to create a strong corner element. In order to grant the requested departures, the Board must see that this corner feature adequately addresses this guidance.

The parking garage and vehicle entry should be minimized. The Board also wanted to see how the residential lobby and commercial space meet the street. The architect must provide a streetscape perspective or vignette to show these elements and how they will be treated to meet the design guidance. There seems to be opportunity to provide some nice design features, perhaps landscaping or pedestrian amenities, on either side of the driveway in that there is some space not utilized for parking.

The Board was pleased that the proposed quantity of required open space is exceeded. The Board likes the large private decks proposed on the west elevation, but had mixed opinions of the common roof deck proposed in the northeast corner. The Board likes that the proposed private decks along the west elevation provide modulation and break up the scale of the building. The common roof deck helps to break up the scale and is more visually appealing from above, but the usability of the space was questioned since it's located on the northeast portion of the building. The Board concluded that the common roof deck could be a nice feature especially for the residential neighbors looking down onto the project.

C-1 Architectural Context.

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The Board wants to see a cross section of the area from the water up to the residential homes east of the site to better understand the visibility of the project from the east.

C-2 Architectural Concept and Consistency.

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

The development of a strong corner element an important design element that must be included in the architectural concept. The overall project design concept must be effectively communicated in the design at the next meeting in that the Board will be evaluating the overall design with respect to the design departure requests.

The residential neighbors from above will be looking onto the roof of this project so the design must address this issue. The Board wants the rooftop to be well organized and asked the architect to explore a green roof system or some other creative option.

C-4 Exterior Finish materials.

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

At the next meeting, the architect must present material and color options.

C-5 Structured Parking Entrances

The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

See the Site Planning section (A).

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances.

Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunity for creating lively, pedestrian-oriented open space should be considered.

At the next meeting, the Board needs to see how the residential lobby meets the street and how the lobby space will be used. The Board wants to know what is envisioned for this space.

D-2 Blank Walls

Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest

Address blank walls by providing landscaping or by providing glazing. See comments about the east façade under site planning.

D-6 Screening of Dumpsters, Utilities and Service Areas.

Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

These service areas need to be fully screened and inside the parking garage. At the next meeting, the Board wants to see how this guidance is addressed.

D-7 Personal Safety and Security

Project design should consider opportunities for enhancing personal safety and security in the environment under review.

Provide appropriate site lighting to create a safe environment for residents. Create spaces that enhance safety and security. Demonstrate that vehicles exiting the parking garage can exit safely without a code compliant site triangle.

E. Landscaping

E-2 Landscaping to Enhance the Building and/ or Site.

Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

E-3 Landscape Design to Address Special Site Conditions

The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

The Board wants to see detailed landscape plans that depict the residential open spaces, the streetscape and the abutting railroad right of way. The Board wants to see how the landscaping will be viewed and relate to neighboring properties to the north and to the east. The Board also wants the architect to explore enhancing the park across the street in response to public comments. See additional comments under Site Planning (A).

Design Review Board Final Recommendations

The applicant applied for the MUP (Master Use Permit) on April 22, 2005. After initial DPD design, zoning and SEPA review, the Design Review Board was reconvened on September 26, 2005 to review the project design and provide recommendations. The four Design Review Board members present considered the site and context, the previously identified design guideline priorities, and reviewed the drawings presented by the applicant. **The Board recommended conditional approval.**

The Board focused their comments on the corner prow element, the residential and commercial entries and the proposed departures.

The Board recommended that the entry doors be distinctive in some way to express the main commercial entry and the main residential entry. The Board recognized that the main residential door will also be used as a barrier free entry for the commercial space. The Board did not prescribe recommended conditions but suggested the difference might be in color and/or signage (A-3 Entrances Visible from the Street).

During the EDG the board encouraged the proponents to seek a no build and landscape easement from Seattle Department of Transportation to permit windows on the east façade and landscaping in the railroad right of way. The proponents did pursue this option and SDOT has agreed to allow the

landscaping via a street use permit but declined to provide the no build easement. The proponents want to continue to pursue the easement, and the Board strongly recommended that they pursue the no build easement to permit windows on the east façade. The architect indicated that if the easement could not be obtained then glass block would be used which is allowed in close proximity to the property line. The architect also suggested providing a setback at the corner so that windows could be provided; however, the Board did not prefer this option because it would change the aesthetic of the prow. The Board strongly prefers the design option showing windows but would be satisfied with the use of glass block if the framing of the block mimicked as much as possible the aesthetic as presented (A-5 Respect for Adjacent Sites A-10 Corner Lots).

With respect to the departures, the Board agreed that they were driven by the site geometry and thought the project better met the citywide guidelines. The Board recommendation specific to each departure is provided in the departure table.

Departure from Development Standards

The applicant requested departures from the following Land Use Code development standards:

<i>Requirement</i>	<i>Proposed</i>	<i>Applicant's Rationale</i>	<i>Board Comment/action</i>
SMC 23.47.008D Residential Lot Coverage above 13 feet shall be limited to <u>64%</u> of lot area	<u>73%</u>	To provide a better architectural presence for the building while maintaining sufficient depth for the residential floor plate. The triangular shape of the site contributes towards this departure since more coverage is needed to achieve a satisfactory floor plate.	The Board recommended granting this departure. The Board appreciates the architectural concept and rhythm of the façade consisting of the strong modulated bays with clerestories on top and decks between the modulation. The Board also liked the perception of mass at the prow. The nautical theme of the prow and the garage screens were appreciated. (A-1 Responding to Site Characteristics A-10 Corner Lots C-1 Architectural Context C-2 Architectural Concept and Consistency)
SMC 23.47.008B Non-residential façade at street level must comprise <u>80% (83 ft.) of the façade (104 ft.)</u> and meet minimum dimensions	<u>45%</u> <u>(47 ft. /104 ft.)</u>	The triangular shape of the lot and the length of street frontage makes it such that providing the required commercial frontage, residential lobby and required parking is infeasible under a code complying option. A below grade parking garage is not economically feasible for this size project.	The Board recognizes the practicable difficulties of the site shape. The Board recommended granting this departure based on the strong architectural presence created along the street by the prow. The commercial space is designed well considering the odd shape and topography. The presence of the parking garage is adequately screened by landscaping and attractive finish material. (A-1 Responding to Site Characteristics A-10 Corner Lots C-1 Architectural Context C-2 Architectural Concept and Consistency)

<i>Requirement</i>	<i>Proposed</i>	<i>Applicant's Rationale</i>	<i>Board Comment/action</i>
SMC 23.47.008B Non-residential use depth of 30 feet and minimum 15 feet	<u>Less than 15 feet average near the apex of the triangle footprint of the commercial space</u>	The triangular shape of the lot and the length of street frontage makes it such that providing the required commercial depth would be challenging.	The Board recognizes the practicable difficulties of the site shape. The Board recommended granting this departure based on the strong architectural presence created along the street by the prow. The commercial space is designed well considering the odd shape and topography. (A-1 Responding to Site Characteristics A-10 Corner Lots C-2 Architectural Concept and Consistency)
SMC 23.47.008C Height for Mixed Use Development- at street level the minimum floor to floor height must be <u>13 feet</u> .	<u>11 feet floor to floor height</u>	The combined effect of having a reduced height limit of 30 feet (due to the US shoreline zone designation) for a C1-40 lot and a site with more than six feet of grade change along the street frontage makes a code compliant project difficult. Two levels of residential use are necessary to make the project economically feasible.	The Board recognizes the practicable difficulties of the site shape. The Board recommended granting this departure based on the strong architectural presence created along the street by the prow. The commercial space is designed well considering the odd shape and topography. The presence of the parking garage is adequately screened by landscaping and attractive finish material. (A-1 Responding to Site Characteristics A-10 Corner Lots C-2 Architectural Concept and Consistency)
SMC 23.47.014B2 Side Setback for portions of structure above 13 feet abutting residential zone- 10 feet	<u>Zero</u>	The setback is required in the code for transition from Single Family development to Commercial development. In this case, the land is zoned SF but is a railroad right of way and will not be developed. Complying with the setback would severely limit the mass on the south corner.	The Board recommended granting this departure in that the east façade and the right of way are treated appropriately with landscaping and windows (or glass block if no easement is obtained). (A-1 Responding to Site Characteristics A-5 Respect for Adjacent Lots A-10 Corner Lots C-1 Architectural Context C-2 Architectural Concept and Consistency)

Requirement	Proposed	Applicant's Rationale	Board Comment/action
SMC 23.54.030G Site Triangle-a 10 foot site triangle at the intersection of the driveway and sidewalk must be provided	<u>A 6 foot site triangle</u>	To gain an adequate parking area within the building and maintain an enclosed security perimeter a 10 foot site triangle cannot be provided. The sidewalk is wide enough to accommodate this departure request without endangering the public so long as we locate street trees in such a way that they do not obscure traffic sight lines.	The Board recommended granting this departure in that the driveway will be 16 feet wide to allow for some maneuvering and open up the throat at the garage opening. The design is a balance between having a narrow 10 wide opening as compared to a 22 foot wide opening. (D-5 Visual Impacts of Parking Structures D-7 Personal Safety and Security).

Recommended Conditions

1. The Board recommended that the pedestrian entry doors be distinctive in some way to express the main commercial entry and the main residential entry. The Board suggested the distinctive features be in color and/or signage and recommended that this condition be satisfied at the discretion of DPD. (A-3 Entrances Visible from the Street).
2. The Board strongly encourages the proponents to seek a no build easement from SDOT. The Board strongly prefers the design option showing windows on the east facade but would be satisfied with the use of glass block if the framing of the block mimicked as much as possible the aesthetic as presented (A-5 Respect for Adjacent Sites A-10 Corner Lots).

Director's Analysis

The Design Review Board's recommendation does not conflict with applicable regulatory requirements and law, is within the authority of the Board and is consistent with the design review guidelines.

DECISION - DESIGN REVIEW

The proposed design with departures is **CONDITIONALLY APPROVED.**

CONDITIONS

Design Review conditions are listed at the end of this report.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

Substantial Development Permit Required

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

- A. *The policies and procedures of Chapter 90.58 RCW;*

B. *The regulations of this Chapter; and*

C. *The provisions of Chapter 173-27 WAC.*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the State to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against effects to public health, the land use and its vegetation and wild life, and the waters of the state and their aquatic life, while protecting public right to navigation and corollary incidental rights. Permitted uses in the shoreline shall be designed and conducted in a manner to minimize, insofar as possible, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local Shoreline Master Program, codified in the Seattle Municipal Code at Chapter 23.60. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions. As the following analysis will demonstrate, the subject proposal is consistent with the procedures outlined in RCW 90.58.

B. THE REGULATIONS OF CHAPTER 23.60

Shoreline Goals and Policies

Pursuant to SMC 23.60.004, the Shoreline Goals and Policies (part of the Seattle Comprehensive Plan's Land Use Element), and the purpose and locational criteria for each shoreline environment contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district.

The proposal does not conflict with the goals or policies relating to non-water dependent uses on upland lots in this shoreline. This portion of the ship canal is not designated as a shoreline of statewide significance.

The purpose of the US environment described in SMC 23.60.220C7, is to (1) provide opportunities for substantial number of people to enjoy the shorelines by encouraging water-dependent recreational uses and by permitting nonwater dependent commercial uses if they provide substantial public access and other public benefits; (2) preserve and enhance views of the water from adjacent streets and upland

residential areas; (3) support water dependent uses by providing services such a marine areas for water-dependent and water-related uses while still providing some views of the water from adjacent streets and upland residential streets.

The proposal does not conflict with the purpose of the US environment in that; 1) the proposal does not impact or interfere with people's enjoyment of the shoreline since it is an upland lot separated from the water by an arterial street; 2) the proposal preserves views of the water from upland residential uses since the development is limited to a height of 30 feet and the upland residential uses retain their views of the water; and 3) the proposal does not interfere with placement of water dependent or water related uses on the waterfront lots. The retail space proposed in the building could be developed with a support service for water-dependent or related uses.

Pursuant to SMC 23.60.064C, in evaluating whether a development which requires a substantial development permit, conditional use permit, variance permit or special use authorization meets the applicable criteria, the Director shall determine that the proposed use: 1) is not prohibited in the shoreline environment and the underlying zone and; 2) meets all applicable development standards of both the shoreline environment and underlying zone and; 3) satisfies the criteria for a shoreline variance, conditional use, and/or special use permits, if required.

Allowed Use

Residential use in a mixed use structure, meaning non-residential use and residential use in the same structure, is permitted outright in Commercial 1 zones; therefore, residential use is not prohibited. The proposed non-residential use, retail sales and service is permitted outright in Commercial 1 zones; therefore, is not prohibited. The US shoreline environment permits and does not prohibit multifamily residential and retail sales and service.

General Development Standards for all Shoreline Environments (SMC 23.60.152)

These general standards apply to all uses in the shoreline environments. They require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity. All shoreline development and uses must, in part: 1) minimize and control any increase in surface water runoff so that receiving water quality and shoreline properties are not adversely affected; 2) be located, designed, constructed, and managed in a manner that minimizes adverse impact to surrounding land and water uses and is compatible with the affected area; and 3) be located, constructed, and operated so as not to be a hazard to public health and safety. The structure, as conditioned and mitigated, is consistent with the general standards for development within the shoreline area. General development standards (SSMP 23.60.152) state that Best Management Practices shall be followed for any development in the shoreline environment. These measures are required to prevent contamination of land and water. The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality.

Development Standards for US Shoreline Environments (SMC 23.60.630)

The development standard limits the height of structures to a maximum height of 30 feet in SMC 23.60.632 with exceptions for rooftop features such as elevators and stairs. The proposal will reach a height of 38 feet at the top of the elevator penthouse and meets the rooftop feature exception to height. One hundred percent lot coverage is allowed on upland lots. Development standards relating to maximum size limits, view corridors, public access and location of uses do not apply to this proposal.

Development Standards for Specific Shoreline Uses (SMC 23.60.179 through SMC 23.60.210)

These standards do not apply to any of the proposed uses.

Criteria for a Shoreline Variance, Conditional Use, and/or Special Use Permits

Not applicable.

Development Standards for C1 zone (SMC 23.47)

The proposal has been reviewed by DPD and meets the applicable development standards of the C1 zone.

C. THE PROVISIONS OF CHAPTER 173-27 WAC

Chapter 173-27 of the WAC sets forth permit requirements for development in shoreline environments and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The Shoreline Substantial Development Permit is **GRANTED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 21, 2005 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation subject to some limitation". The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from demolition and building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality and noise warrant further discussion.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos or other hazardous substances during demolition. The applicant will likely perform an environmental site assessment to identify all hazardous materials requiring abatement, and is required to obtain permits from PSCAA to ensure proper handling and disposal these materials. The permit standards and regulations administered by PSCAA will sufficiently mitigate any adverse impacts to air quality; therefore no further mitigation is recommended pursuant to SEPA 25.05.675A.

Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The surrounding properties to the south, north and east are developed with multifamily residential and single family homes and will be impacted by construction noise. Pursuant to SEPA authority, the applicant shall be required to limit periods of construction to between the hours of 7:30 a.m. and 6:00 p.m. during non-holiday weekdays and 9:00 a.m. to 6:00 p.m. on Saturday. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the

structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term long term impacts, although some impacts warrant further discussion.

Height, Bulk and Scale

The proposed 3-story project will be located in a Commercial 1 zone with a forty foot height limit (C1-40), but height is further restricted by the shoreline designation which limits height to 30 feet. Lower intensity zoning, single family 5000 is located to the east but is a railroad right of way. The closest single family residences towards the east are located more than 250 feet away from the site, and are at a substantially higher elevation. Surrounding property in other directions is zoned C1-40.

The SEPA Height, Bulk and Scale Policy (Section 25.06.675.G., SMC) states that “*the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the adopted Land Use Policies...for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.*” In addition, the SEPA Height, Bulk and Scale Policy states that “*(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated.*”

The proposal was reviewed and approved through the Design Review process and conforms to the Citywide Design Guidelines. Design details, colors and finish materials will contribute towards mitigating the perception of height, bulk and scale in that these elements will break down the overall scale of the building. No further mitigation of height, bulk and scale impacts is warranted pursuant to SEPA policy (SMC 25.06.675.G.).

Parking

The proposed project will provide a total 12 off-street parking spaces and the Land Use Code requires 10 parking spaces for the proposed nine dwelling units. The 1,650 square foot commercial space requires no off-street parking pursuant to the Land Use Code. The quantity of on-street parking in the project vicinity is limited since the street grid is interrupted by the steep slope to the east and the ship canal to the west; therefore there are few intersecting streets to provide parking. The on-street parking utilization, meaning the number of occupied spaces, seems to be near or at capacity close to the project site based on a site visit and public comment. At the time of the site visit (November 21, 2005; 12:00 PM to 1:00 PM) there was ample available on-street parking east of the site in the single family neighborhood uphill from the site and north of the site (more than 400 feet away from the site) on Seaview Avenue NW. The on-street parking utilization in the evening is likely to be at capacity because of the nearby restaurants and that residents will be home from work. It is unlikely that residents or patrons of the proposed project would park in the single family neighborhood to the east because of the substantial change in elevation.

Based on Parking Generation manual published by Institute of Transportation Engineers (ITE), 3rd Edition, 2004 it is estimated that the average peak parking demand during the weekday would be within the range of 1 to 1.46 vehicles per dwelling unit. Using a conservative estimate (1.46 vehicles per unit) for residential condominium/townhouse (230), the project would have an average peak parking demand of 13.14 vehicles during the weekday which means a potential spillover of one. Other parking generation estimates from ITE for high-rise apartment (222) and low/mid -rise apartment (221) use a ratio of 1.37 vehicles per dwelling unit and 1.00 vehicles per dwelling unit respectively. The ITE data for apartments is based on a larger sample of surveys and some of the surveys were taken at urban locations; however, the units are presumed to be rented and not owned as compared to data for residential condominium/townhouse. Using the less conservative estimates would result in no spillover parking.

The parking demand for the commercial space is more difficult to estimate in that the specific use of the space and success of the business has not been determined. If the commercial use was only open during the daytime, then its likely there would be no or little spillover parking because the residential spaces could be utilized when residents are not home through a shared parking agreement. However, it is likely that some spillover parking would occur if the business was open in the evening when most residents are home. It is likely that available on-street parking would be in short supply in the evening, but off-street parking spaces for the nearby restaurants and the beach club could be potentially purchased by the proposed tenant. Of course, this would be dependent upon private party agreements. It is likely that a business requiring ample parking and/or one that operates at night would not lease the proposed space based on the parking conditions in this neighborhood.

In summary, using moderate ITE parking estimates, the demand generated from the residential component of the project is expected to be accommodated with the provided quantity of off-street parking. The parking demand generated from the 1,650 square foot commercial space is expected to be met with the provided quantity of off-street parking during the daytime through the use of a shared parking arrangement. Assuming current parking conditions don't change, a commercial use which

generated a high parking demand would not likely choose this site for its location. No SEPA conditioning is warranted for parking impacts.

Other Impacts

The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS - DESIGN REVIEW

Prior to Issuance of Master Use Permit

Revise the MUP drawings to show the following;

1. Distinct commercial entry and main residential entry. The Board suggested the distinctive features be in color and/or signage and recommended that this condition be satisfied at the discretion of DPD. (A-3 Entrances Visible from the Street).
2. Windows on the east facade of the commercial space or glass block (if the framing of the block mimicked as much as possible the aesthetic as presented at the recommendation meeting). (A-5 Respect for Adjacent Sites A-10 Corner Lots).

Prior to the Final Certificate of Occupancy

1. Install the features described in numbers 1 and 2 above.

NON-APPEALABLE CONDITIONS - DESIGN REVIEW

Prior to Issuance of the Master Use Permit and Building Permit Issuance

1. The owner or responsible party shall embed into the updated MUP plans the 11x 17 inch version of the June 13, 2005 colored presentation drawings and embed these into the building permit set.

During construction

2. All changes to approved plans with respect to the exterior façade of the building and landscaping on site and in the right of way must be reviewed by a Land Use Planner prior to proceeding with any proposed changes.

Prior to Issuance of Certificate of Occupancy

3. Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD Land Use Planner assigned to this project (Jess Harris- 206-684-7744) or by a Land Use Planner Supervisor (Jerry Suder- 206-386-4069). Inspection appointments must be made at least 3 working days in advance of the inspection.

CONDITIONS SEPA

Prior to Issuance of Construction Permits:

1. The owner and/or responsible parties shall provide DPD with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 AM and 6:00 PM and between the hours of 9:00 AM to 6:00 PM on Saturday. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.
2. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - Stop work immediately and notify DPD (Jess Harris- 206-684-7744 or Jerry Suder- 206-386-4069) and the Washington State Archaeologist at the State Office of Archaeology and Historic

Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.

- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Signature: (signature on file) Date: December 15, 2005
Jess E. Harris, AICP, Senior Land Use Planner

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